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7 Attorneys for Plaintiffs  
8 SANRIO COMPANY, LTD. and SANRIO, INC.

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12 SANRIO COMPANY, LTD., a Japanese  
13 corporation and SANRIO, INC., a California  
14 corporation,

15 Plaintiffs,

16 vs.

17 J.I.K. Accessories, Inc., Accessitive  
18 Accessories, Inc., B.B. Apparels Inc., Amuseco  
Accessories, Inc., Nana Accessory, Inc., Seanna  
19 Corporation, Heiress Enterprises, Inc., Pinkland  
Corporation, Inc., Bliss, Final Choice, Joon Sik  
Bae, Yong Woo Kim, Any Bae, Jason Bae,  
Brian Ban, Ryan Bae, Ho Yong Na, Sang Wha  
20 Kim, Aeraan Bae a/k/a Chris Bae, Jenny J. Lee,  
Sukmin Bae, John Bae, Lisa Bae, Grace Kim,  
Ken Chung, Yeun Sik Cha, Debbie Kim, DOES  
21 1-10,

22 Defendants

23 Civil Action No. C 09-00440 MHP

24  
25 STIPULATED FACTS AND  
CONCLUSIONS OF LAW IN SUPPORT  
OF [PROPOSED]  
FINAL JUDGMENT ON CONSENT:  
NANA ACCESSORY, INC.  
HOYONG NA

26 WHEREAS, on January 30, 2009, Sanrio Company, Ltd. and Sanrio, Inc. ("Plaintiffs")  
27 initiated the instant action against the named defendants as set forth above, including, *inter alia*,  
Nana Accessory, Inc. and Hoyong Na, for trademark infringement in violation of 15 U.S.C. §

28 STIPULATED FACTS AND CONCLUSIONS OF LAW IN SUPPORT OF  
[PROPOSED] JUDGMENT ON CONSENT: NANA ACCESSORY / HOYONG NA

C 09-00440 MHP

1 1114, et seq.; copyright infringement in violation of 17 U.S.C. § 501, et seq.; unfair competition  
2 in violation of 15 U.S.C. §1125(a) et seq., as amended; unfair competition under the law of the  
3 State of California, Cal. Bus. & Prof. Code § 17200 et seq.; and common law unfair competition.

4 WHEREAS, Defendants Nana Accessory, Inc. and Hoyong Na (hereinafter, for purposes  
5 of this document, "Defendants") have not filed an Answer in this proceeding;

6 WHEREAS, Plaintiffs and Defendants (the "Parties") have concluded a settlement  
7 resolving Plaintiffs' claims in this civil action;

8 WHEREAS, the Parties wish to resolve this civil action through the entry of Judgment on  
9 Consent;

10 WHEREAS, without admitting that they knowingly infringed Plaintiffs' rights and  
11 specifically denying same, Defendants consent to the entry of Judgment on Consent;

12 WHEREAS, each Party has waived the right to appeal from the Judgment on Consent;

13 NOW THEREFORE, the Parties stipulate to the following facts and conclusions of law:

14 **STIPULATED FACTS**

15 1. Plaintiff Sanrio Co., Ltd. ("Sanrio") is a Japanese corporation and maintains its  
16 principal place of business located at 1-6-1 Osaki, Shinagawa ku, Tokyo 141-8603, Japan.  
17 Plaintiff Sanrio, Inc. is a California corporation and maintains its principal place of business at  
18 570 Eccles Avenue, South San Francisco, California 94080.

19 2. Since 1960, Sanrio Co., Ltd. has been engaged in the business of manufacturing,  
20 distributing and selling products for use by children and young adults. All of Sanrio's products  
21 are marked with the SANRIO trade name and mark. Since 1976, Sanrio, Inc. has been the  
22 exclusive United States distributor of the products of Sanrio Co., Ltd. and is currently the  
23 exclusive United States master licensee of the rights in and to the SANRIO trademarks and  
24 copyrights.

25 3. Sanrio is the creator and owner of the famous HELLO KITTY,  
26 KEROKEROKEROPPI a/k/a KEROPPI, and CHARMMY KITTY characters, as well as many  
27 other characters, as depicted in Exhibit 2 of the Complaint in this action. Since 1976, most of  
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1 Sanrio's merchandise marketed in the U.S. has displayed HELLO KITTY character artwork on  
 2 the products and product packaging. Since 1988, KEROPPI character artwork has appeared on  
 3 numerous Sanrio products and product packaging marketed in the U.S. Since 2004,  
 4 CHARM MY KITTY character artwork has appeared on numerous Sanrio products and product  
 5 packaging marketed in the U.S.

6       4. Sanrio owns many U.S. Certificates of Copyright Registration for artwork  
 7 depicting the Sanrio Characters, including the following Registration Nos.: VA 130-420, VA 1-  
 8 303-874 and Vau 684-322 and VA 1-342-775 (HELLO KITTY); VA 707-212 and VA 636-579  
 9 (KEROPPI); and VA 1-296-111 (CHARMMY KITTY) (the "Sanrio Registered Copyrights").

10      5. Sanrio owns several U.S. Trademark registrations, including U.S. Trademark  
 11 Registration Nos. 1,200,083 and 1,277,721 for the design trademark depicting the head of the  
 12 HELLO KITTY character; and 1,215,436 and 1,279,486 for the word mark HELLO KITTY, all  
 13 of which are incontestable (collectively, "Sanrio's Registered Trademarks").

14      6. In addition to owning the foregoing federal trademark registrations, Sanrio owns  
 15 all common law rights (including trademark and trade dress rights) to the HELLO KITTY  
 16 character name and design, and the KEROPPI and CHARM MY KITTY character designs  
 17 (collectively, "Sanrio's Common Law Trademarks").

18      7. Defendant Nana Accessory, Inc. is a corporation organized and existing under the  
 19 laws of the State of California with a principal place of business at 9301 Tampa Avenue, Suite  
 20 201A, Northridge, California 91324. Nana Accessory, Inc. does business under the names  
 21 Amusé and Glitz and operates or has operated out of retail locations located in Los Angeles  
 22 county, California.

23      8. Defendant Hoyong Na, an individual residing in the State of California, is actively  
 24 engaged in the operation, management and/or control of Defendant Nana Accessory, Inc.

25      9. Defendants are not authorized to manufacture, import, distribute, or sell Sanrio  
 26 merchandise.

10. During at least the month of September 2007, Defendants displayed and offered for sale various counterfeit products depicting the HELLO KITTY character, and/or the KEROPPI and/or CHARMMY KITTY characters, at two or more of Defendants' retail store locations (the "Counterfeit Merchandise").

## **STIPULATED CONCLUSIONS OF LAW**

11. The Court has jurisdiction over the subject matter of this civil action.

12. Sanrio owns valid copyrights, trademarks and trade dress in the name and design of the Hello Kitty Character.

13. The Counterfeit Merchandise distributed and sold by Defendants contained counterfeit versions of Sanrio's Registered Copyrights, Sanrio's Registered Trademarks, and Sanrio's Common Law Trademarks.

14. The acts of Defendants constitute copyright infringement, in violation of 17 U.S.C. § 501.

15. The acts of Defendants constitute trademark and trade dress infringement, in violation of 15 U.S.C. §§ 1114, 1125(a).

16. The acts of Defendants constitute unfair competition in violation of 15 U.S.C. §1125(a) et seq., as amended, Cal. Bus. & Prof. Code § 17200 et seq.; and common law.

The Parties, either themselves or through their undersigned counsel, hereby stipulate to the above facts and conclusions and consent to the entry of Judgment on Consent pursuant to the separately filed Proposed Judgment on Consent.

## **IT IS SO STIPULATED.**

Executed in San Francisco, CA

OWEN, WICKERSHAM & ERICKSON, P.C.  
*Attorneys For Plaintiffs*  
*Sanrio Company, Ltd. and Sanrio, Inc*  
455 Market Street, Ste. 1910  
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Noel M. Cook (SBN 122777)  
(415) 882-3200

Date: 12/4/09

By: Noel M. Cook (SBN 122777)

**STIPULATED FACTS AND CONCLUSIONS OF LAW IN SUPPORT OF  
[PROPOSED] JUDGMENT ON CONSENT: NANA ACCESSORY / HOYONG NA**

1 Executed in Northridge, CA

2 NANA ACCESSORY

3 Date: 11-23-09

4 By: Hoyong Na

5 Executed in Northridge, CA

6 HOYONG NA

7 Date: 11-23-09

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12 **IT IS SO ORDERED AND ADJUDGED.**

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14 Dated this 8th day of December, 2009

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19 S:\1Clients\SANR\LITIGA\70017\Consent J\Nana STIPULATED FINDINGS.d

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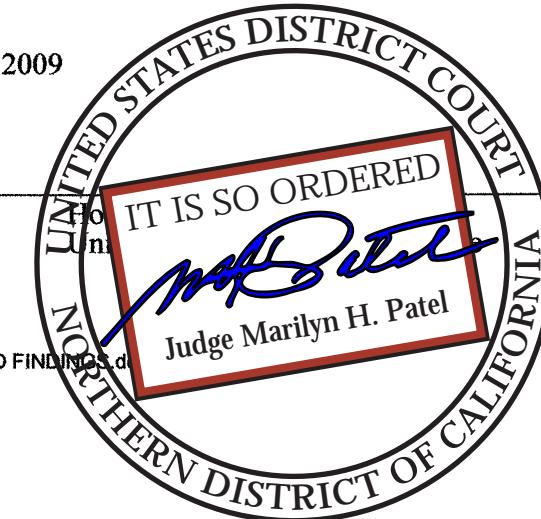
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[PROPOSED] JUDGMENT ON CONSENT: NANA ACCESSORY / HOYONG NA

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